

## **Assembly Bill No. 3049**

### **CHAPTER 165**

An act to amend Section 6140 of, and to add and repeal Sections 6140.3 and 6140.36 of, the Business and Professions Code, relating to the State Bar of California.

[Approved by Governor July 21, 2008. Filed with  
Secretary of State July 21, 2008.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 3049, Committee on Judiciary. State Bar Act: fees.

Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. Existing law requires the Board of Governors of the State Bar to charge an annual membership fee to active members of up to \$315 for the year 2008. Existing law authorizes the board, until January 1, 2011, to increase the annual membership fee by an additional amount not exceeding \$10 for the costs of upgrading the board's information technology system, as specified.

This bill would require the board to fix the annual membership fee for active members for 2009 at a sum not to exceed \$315. The bill would require the board to report to the Assembly and Senate Committees on Judiciary, on or before April 1, 2009, and twice thereafter as specified, on the use of the additional funds collected for the costs of upgrading the board's information technology system. The bill also would, until January 1, 2014, authorize the board to increase the annual membership fees by an additional amount not exceeding \$10 to be used only for the costs of financing, constructing, purchasing, or leasing facilities to house State Bar staff, as specified, and for major capital improvement projects related to facilities owned by the State Bar, as specified, and would require the board, at least 60 days, or 90 days in certain circumstances, prior to entering into an agreement for purchase of a facility in southern California, to submit its proposed decision and cost estimate for the facility to the Assembly and Senate Committees on Judiciary for review. If the board does not enter into such a contract, and other conditions are not satisfied, the bill would require these additional fees to be credited to members, as specified. The bill would also delete obsolete provisions relating to certain reporting requirements.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6140 of the Business and Professions Code is amended to read:

6140. (a) The board shall fix the annual membership fee for active members for 2009 at a sum not exceeding three hundred fifteen dollars (\$315).

(b) The annual membership fee for active members is payable on or before the first day of February of each year. If the board finds it appropriate and feasible, it may provide by rule for payment of fees on an installment basis with interest, by credit card, or other means, and may charge members choosing any alternative method of payment an additional fee to defray costs incurred by that election.

(c) This section shall remain in effect only until January 1, 2010, and, as of that date, is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

SEC. 2. Section 6140.3 is added to the Business and Professions Code, to read:

6140.3. (a) The board may increase the annual membership fee fixed by Section 6140 and the annual membership fee specified in Section 6141 by an additional amount not exceeding ten dollars (\$10). This additional amount may be used only for (1) the costs of financing, constructing, purchasing, or leasing facilities to house State Bar staff and (2) any major capital improvement projects related to facilities owned by the bar.

(b) Funds collected pursuant to subdivision (a) between January 1, 2009, and December 31, 2013, may only be used for the construction, purchase, or lease of a facility in southern California upon the expiration of the State Bar's existing lease of a facility in Los Angeles in January 2014. The board shall report to the Assembly Committee on Judiciary and the Senate Committee on Judiciary on or before April 1, 2009, and annually thereafter, on its preliminary plans for determining whether to construct, purchase, or lease a facility in southern California. At least 60 days, or 90 days if the 60th day would occur when the Legislature has adjourned for the fall or final recess, prior to entering into any agreement for the purchase of a facility in southern California, the board shall submit its proposed decision and cost estimate for the facility to the Assembly Committee on Judiciary and the Senate Committee on Judiciary for review. If the board does not enter into an agreement to purchase a facility in southern California and the Legislature does not, by a later enacted statute, authorize use of the funds collected pursuant to this section to construct or lease a facility, those funds shall be applied as a one-time credit to each member's annual dues in the amount paid by that member.

(c) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 3. Section 6140.36 is added to the Business and Professions Code, to read:

6140.36. (a) The board shall report to the Assembly Committee on Judiciary and the Senate Committee on Judiciary on or before April 1, 2009, and on or before April 1 of the succeeding two years, on the use of the funds authorized pursuant to Section 6140.35.

(b) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

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